

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY ELDER,
Plaintiff,

v.

HILTON WORLDWIDE HOLDINGS,
INC., et al.,
Defendants.

Case No. 16-cv-00278-TEH

**ORDER DENYING MOTION TO
EXPEDITE HEARING ON
PRELIMINARY APPROVAL OF
SETTLEMENT**

Now before the Court are the parties' stipulation and request for an expedited hearing on Plaintiff's motion for preliminary approval of settlement. ECF No. 76. The parties wish to move the preliminary approval hearing from July 31, 2017 to June 26, 2017. They reason that if the motion for preliminary approval is heard and decided at the earliest time available on the Court's calendar, the undersigned will be able to rule on their motion for final approval before he retires from the bench.

Under 28 U.S.C. § 1715(a), "not later than 10 days after a proposed settlement of a class action is filed in court, each defendant [...] is required to serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official a notice of the proposed settlement." Further, Subsection (d) holds that an order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the State and Federal officials have been served. 28 U.S.C. § 1715(d).

The parties here have not informed the Court whether they have complied with the requirements of 28 U.S.C. § 1715(a). Even if they have properly served both officials, this Court will not be able to rule on the motion for final approval until 90 days have passed

1 from the last date of service, which will likely be long after the undersigned's planned
2 retirement in the beginning of August. The Court sees no reason to expedite the
3 preliminary approval hearing and hereby DENIES the present motion.

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6 **IT IS SO ORDERED.**

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8 Dated: 06/20/17



THELTON E. HENDERSON
United States District Judge